

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:
	:
Plaintiff,	:
	:
- v. -	:
	:
	: Civil Action No. 16-CV-01257
ALL FUNDS HELD IN ACCOUNT NUMBER	:
CH1408760000050335300 AT LOMBARD ODIER	:
DARIER HENTSCH & CIE BANK, SWITZERLAND,	:
ON BEHALF OF TAKILANT LIMITED, AND ANY	:
PROPERTY TRACEABLE THERETO, et al.	:
	:
Defendants <i>in rem</i> .	:
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DECLARATION IN SUPPORT OF PARTIAL DEFAULT JUDGMENT

MARIE M. DALTON, pursuant to Title 28, United States Code, Section 1746, declares under penalty of perjury as follows:

1. I am a Trial Attorney with the United States Department of Justice, Asset Forfeiture and Money Laundering Section, attorney for plaintiff herein. I am one of the attorneys who have responsibility for the above-captioned matter and, as such, I am familiar with the facts and circumstances set forth herein. This declaration is submitted in support of Plaintiff's request for a default judgment as to the Defendants *in rem* (the "Defendant Property") in the above-captioned case.

2. This action seeks forfeiture of any and all assets held in accounts at Lombard Odier Darier Hentsch & Cie Bank and Union Bancaire Privee in Switzerland. The United States commenced this action on February 18, 2016, by filing a verified complaint for forfeiture *in rem* (the "Verified Complaint"), initiating the above-captioned action and alleging that the Defendant

Property should be forfeited to the United States of America pursuant to 18 U.S.C. §§ 981(a)(1)(A) and 981(a)(1)(C). A copy of the Verified Complaint is attached hereto as **Exhibit A** and is fully incorporated by reference herein.

3. Beginning on February 19, 2016, notice of the pendency of this case was posted on an official government internet site (www.forfeiture.gov) pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims for thirty (30) consecutive days. Proof of such publication was filed with the Clerk of Court on April 20, 2016. A copy of the proof of publication is attached hereto as **Exhibit B**.

4. Pursuant to Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, a Notice of Complaint for Forfeiture, a copy of the Verified Complaint, and other pertinent documents (the “Notice Packet”) were sent by Federal Express and delivered to the following addresses:

Addressee	Address	Date Delivered	Claim Deadline Listed in Notice Packet
Bekhzod Akhmedov	C/O: Ola Salomonsson Kungsholms Torg 16, 4tr 112 21 Stockholm	3/7/16 ²	4/7/16
Bekhzod Akhmedov	Shayhontohurskiy District, 13 “A” A. Rahmat Street Tashkent, Uzbekistan	3/9/16 ¹	4/7/16
Alisher Ergashev	Ulitsa Bakht, Dom 10, Tashkent, Uzbekistan	3/9/16 ¹	4/7/16
Alisher Ergashev	C/O: Gunnar Falk Advokatfirman Falk, Sjöberg & Partners AB Box 3206 103 64 Stockholm	3/16/16 ²	4/7/16

Addressee	Address	Date Delivered	Claim Deadline Listed in Notice Packet
Alisher Ergashev	s/s Matkabulova Bakht, 10 Kibraysky Rayon, Tashkentskaya Oblast, Uzbekistan	3/9/16 ¹	4/7/16
Alisher Ergashev	Ul. Baht, S/S Matkabulova, Kibray 10, Tashkent, Uzbekistan	3/9/16 ¹	4/7/16
Alisher Ergashev	10 Bakht Street, Kilbray, Tashkent, Uzbekistan	3/9/16 ¹	4/7/16
Alisher Ergashev	Baht Street 10, Matkobulovos Village, Kibray District, Tashkent, Uzbekistan	3/9/16 ¹	4/7/16
Gayane Avakyan	C-2, M. Ulukbekskiy R- N 12-16, Tashkent, Uzbekistan	3/9/16 ¹	4/7/16
Gayane Avakyan	25 Street Kunaeva, Tashkent, Uzbekistan 700015	3/9/16 ¹	4/7/16
Gayane Avakyan	Apt. 16, 12 District C2, Tashkent, Uzbekistan	3/9/16 ¹	4/7/16
Gulnara Karimova	Gogolya Ultisa 77A, Tashkent, Uzbekistan	3/9/16 ¹	4/7/16
Gulnara Karimova	Ya Gulyamova Street 77, Tashkent, Uzbekistan	3/9/16 ¹	4/7/16
Gulnara Karimova	Yahyo Gulyamova Str. 77a, Tashkent, Uzbekistan	3/9/16 ¹	4/7/16
Rustam Madumarov	Yunusabadskiy District, m. 28 Ynus-Abad-11, apt. 6 Tashkent, Uzbekistan	3/9/16 ¹	4/7/16
Rustam Madumarov	Of. Apt. 6. 28 District 11, Unus-Abat, Tashkent, Uzbekistan	3/9/16 ¹	4/7/16

Addressee	Address	Date Delivered	Claim Deadline Listed in Notice Packet
Rustam Madumarov	Apartment 6, House 28, Block 11, Yunusabad District, Tashkent City, Uzbekistan	3/9/16 ¹	4/7/16
Shokrukh Sabirov	6 Abdurashidova Street, Yunusabad District, Tashkent City, Uzbekistan	3/9/16 ¹	4/7/16
Shokrukh Sabirov	Parda Tursun Ulitsa, Dom 19 Tashkent, Uzbekistan 100105	3/9/16 ¹	4/7/16
Sodikjon Sokhibjonov	Yunus Abad Region Adham Rakhmat Str. 29 Tashkent, Uzbekistan 100200	3/9/16 ¹	4/7/16
Takilant Limited	Mirabadskiy R-N, Uz Kunaev, A 25 Tashkent, Uzbekistan	2/23/16 ¹	3/25/16
Takilant Limited	25 Kunaev Street, Dom Stilya, Tashkent, Uzbekistan 100015	2/23/16 ¹	3/25/16
Tozian Services Corp.	c/o BVI Company Formations Ltd. P.O. Box 146 Road Town Tortola, British Virgin Islands	2/22/16	3/25/16
Tozian Services Corp.	Trident Chambers P.O. Box 146 Road Town, Tortola British Virgin Islands	2/22/16	3/25/16
Republic of Uzbekistan	c/o Vincent Levy Holwell Shuster & Goldberg LLP 750 Seventh Ave., 26th Floor New York, NY 10019	2/22/16 ³	4/19/16

Addressee	Address	Date Delivered	Claim Deadline Listed in Notice Packet
¹ Notice Packet provided in English and Russian with Verified Complaint also translated into Uzbek. ² Notice Packet provided in English and Swedish. ³ Deadline extended by mutual agreement until May 2, 2016.			

A copy of the delivery confirmation for the Notice Packets are attached hereto as **Exhibit**

C.

5. Additionally, Notice Packets were sent by Federal Express to the following addresses but the Packets were unable to be delivered:

Addressee	Address	Reason Provided	Date Refused
Gayane Avakyan	C/O: Tomas Rothpfeffer Sju Advokater KB Box 22016 104 22 Stockholm	Unable to Deliver	3/15/16
Takilant Limited	Form-a-Co (Gibraltar) Ltd. P.O. Box 563 Suites 41/42, Victoria House, 26 Main Street, Gibraltar	Delivery Refused	2/22/16
Takilant Limited	C/O: Tomas Rothpfeffer Sju Advokater KB Box 22016 104 22 Stockholm	Unable to Deliver	3/15/16
Shokrukh Sabirov	148 Connaught Road, Central, Hong Kong	Incorrect Address	3/7/16

A copy of the delivery exceptions for the Notice Packets are annexed hereto as **Exhibit**

D. As explained in paragraph 4, Notice Packets were delivered to these individuals and entity at alternative addresses.

6. The United States also sought the assistance of the Government of Switzerland, pursuant to the 1973 U.S.-Swiss Confederation Mutual Legal Assistance Treaty, requesting that the Swiss authorities provide notice to any attorneys located in Switzerland known to represent Gulnara Karimova, Rustam Madumarov, Alisher Ergashev, Shokrukh Sabirov, Gayane Avakyan,

Bekhzod Akhmedov, Shokrukh Sabirov, Sodikjon Sokhibjonov, Takilant Limited or Tozian in Switzerland. The United States requested that Switzerland deliver Notice Packets to the Swiss attorneys representing the potential claimants. After being contacted by the Swiss authorities, the Swiss attorneys refused to accept the Notice Packets sent by the United States.¹ An affidavit discussing the efforts made to notify the potential claimants' Swiss attorneys is annexed hereto as **Exhibit E**.

7. Lastly, the United States sought the assistance of the Government of the Republic of Uzbekistan, pursuant to the United Nations Convention Against Corruption, requesting that the Uzbek authorities deliver Notice Packets to Gulnara Karimova, Rustam Madumarov, and Gayane Avakyan in Uzbekistan. An affidavit discussing the efforts made to notify these potential claimants in Uzbekistan is annexed hereto as **Exhibit F**.

8. Gulnara Karimova, Alisher Ergashev, Rustam Madumarov, Gayane Avakyan, Bekhzod Akhmedov, Shokrukh Sabirov, Sodikjon Sokhibjonov, and the entities Takilant and Tozian failed to file either a claim or an answer to the Verified Complaint, or otherwise appear or answer in this regard, and the time to do so has expired. Pursuant to Supplemental Rule G(5)(a) and (b), any claimant to the Defendant Property was required to file a claim no later than 35 days after the date of notice, the date identified in the notice letter, or 60 days after the first publication of notice on the official government website. Those time periods expired by April 20, 2016, and no extensions of these time limits have been consented to by the United States or granted by this Court.

¹ As set forth in paragraph 4 (above), Notice Packets were also sent to addresses for each of these individuals, entities, and/or their legal representatives in Sweden.

9. The Republic of Uzbekistan, which filed a verified claim on April 27, 2016 at Docket Number 11, is the only other person or entity known by the government to have a potential interest in the Defendant Property.

10. Upon information and belief, no person or entity thought to have an interest in the Defendant Property is an infant, incompetent, or presently engaged in military service.

11. Warrants of arrest *in rem* were duly executed on the Defendant Property located at Lombard Odier Darier Hentch & Cie Bank and Union Bancaire Privee in Switzerland, and named for forfeiture in this action, on February 26, 2016. **Exhibit E**, attached hereto, describes the delivery of the warrants of arrest *in rem*.

12. Accordingly, the government requests that the Court enter the proposed Partial Default Judgment.

13. A Clerk's Certification is attached hereto as **Exhibit G**.

14. No previous application for the relief request herein has been made.

Dated: June 23, 2016

Respectfully submitted,

M. KENDALL DAY, CHIEF
ASSET FORFEITURE AND MONEY
LAUNDERING SECTION

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